

PATRICK L. FORTE, #80050
ANNE Y. SHIAU, #273709
LAW OFFICES OF PATRICK L. FORTE
One Kaiser Plaza, #480
Oakland, CA 94612
Telephone: (510) 465-3328
Facsimile: (510) 763-8354

Attorneys for Debtor

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:

Case No. 13-42624 RLE

DAVID LOZANO MENDEZ,

Chapter 13

Debtor.

**MOTION TO VALUE SECOND LIEN OF
WELLS FARGO BANK, N.A.**

Debtor David Lozano Mendez ("Debtor") hereby moves the court to value the second lien of Wells Fargo Bank, N.A. secured by a lien against Debtor's property located at 809 Gray Fox Place, Clayton, CA 94517 ("the property").

1. This motion is based on the petition, schedules, and documents on file herein, and the Memorandum of Points and Authorities in Support of the Motion and Declaration of Debtor in Support of the Motion filed herewith.

2. As stated in the attached Declaration, at the time of filing, Debtor's residence was worth less than the first lien against the property.

3. Wells Fargo Bank, N.A. holds the second lien against the property.

Based on the foregoing, and for the reasons stated in the attached Memorandum of Points and Authorities, Debtor prays that:

1. For purposes of Debtor's chapter 13 plan only, the court value Wells Fargo Bank, N.A.'s second lien at zero, hold that Wells Fargo Bank, N.A. does not have a secured claim based on the second lien, and hold that Wells Fargo Bank, N.A.'s second lien may not be enforced, pursuant to 11 U.S.C. §§ 506 and 1327, FRBP 3012, and the United States Bankruptcy Court for the Northern District of California's Guidelines for Avoiding Liens in Individual Chapter 11 Cases and Chapter 13 Cases; and

2. Upon entry of a discharge in Debtor's chapter 13 case, the second lien shall be voided for all purposes, and upon application by Debtor, the court will enter an appropriate form of judgment or order voiding the second lien.

Dated: June 4, 2013

/s/ Anne Y. Shiau
ANNE Y. SHIAU
Attorney for Debtor